

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DONALD BROOKS,

10 CV 1120 (THK)

Plaintiff,

-against-

THE LONG ISLAND RAILROAD  
COMPANY,

Defendant.  
-----X

PROPOSED JOINT VOIR DIRE

1. Name, address and occupation.
2. Name and occupation of spouse.
3. Are you acquainted with or have you done any business with the parties herein, their doctors or their attorneys?
4. Have you previously served as jurors? If so, what type of case? And, have you taken testimony and/or rendered a verdict?
5. Have you or any members of your family been involved in any accident which was the subject of a lawsuit or claim? If so:
  - (a) who was involved?
  - (b) brief description of the accident;
  - (c) whether the experience would in any way affect your judgment as far as this lawsuit is concerned.
6. Can and will you accept the premise that, unlike state law where an injured employee is covered by Workman's Compensation, federal law permits an injured railroad worker to sue his employer directly?

7. Have you ever ridden Long Island Railroad Company trains?
8. Do any of you suffer from knee or shoulder injuries?
9. Do any of you know anyone with a knee or shoulder injury?
10. Would you be able to return a verdict for the plaintiff in a large amount of money if the proof demanded it?
11. If you find that the plaintiff was injured or had a certain injury, would you give him money solely because of his injury, regardless of whether the Railroad was at fault.
12. Do any of you have any friends or relatives working on the Long Island Railroad?
13. Do any of you know any of the following people who may or may not be called as witnesses? (The Court can name the witnesses.)
14. Have any of you ever sued or been sued and did it leave any particular feelings with you towards plaintiffs, defendants, lawyers or judges? (Ask for details of said lawsuits.)
15. Do any of you know personally, socially or in a medical capacity the following doctors? (The Court can name the doctors.)
16. Are any members of your immediate family a lawyer or a doctor?
17. Do you have any close friends who are lawyers or doctors?
18. What type of practice does the lawyer have? What type of practice does the doctor have?
19. Do you feel that everyone who brings a lawsuit is entitled to recover regardless of whether or not they make out a case under the law as given to you by the Court?
20. Do you have anything against The Long Island Railroad Company or any of its employees?

21. Have you ever had any experience(s) with The Long Island Railroad Company, either favorable or unfavorable?

22. Have you read or been exposed to any materials in the media concerning workers in the public sector and, if so, does this information affect your judgment about personal injury lawsuits against The Long Island Railroad Company?

23. Have you read or been exposed to any materials in the media concerning LIRR's employee pensions and disability filings or pensions and, if so, does this information affect your judgment about personal injury lawsuits against The Long Island Railroad Company?

24. Are any of you an employee of a party to the action?

25. Are any of you or members of your family associated with any union or unions?

26. Are any of you or members of your family affiliated with any transportation union?

27. Do you believe that a corporation has the same rights in a lawsuit as an individual?

28. Do you know anyone who was ever injured or hurt on The Long Island Railroad, particularly a close friend or relative?

29. Do you realize this is a lawsuit and you are to judge all parties equally without prejudice or sympathy?

30. If you found that the Railroad did not cause the plaintiff's injury, would you be willing, despite your natural sympathies for an individual, to return a verdict in favor of the defendant, LIRR?

**DEFENDANT OBJECTS TO THE FOLLOWING:**

31. Have you read or been exposed to any materials in the media concerning the MTA budget and, if so, does this information affect your judgment about personal injury lawsuits against the MTA and The Long Island Railroad Company?

Dated: New York, New York  
April 26, 2011

Fredric M. Gold PC  
Attorneys for Plaintiff

By: 

Fredric M. Gold (3286)  
450 Seventh Avenue  
New York, NY 10123  
212.244.2740

Catherine A. Rinaldi, Gen. Counsel  
LIRR Law Department

By: 

Christopher P. Yodice,  
Jamaica Station  
Jamaica, New York 11435  
718.558.8235